# CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday July 8, 2019 CASE NUMBER: C15-2019-0016

Y	_ William Burkhardt
Y	_ Jessica Cohen
Y	Ada Corral
Y_	Melissa Hawthorne
Y	William Hodge
Y	Don Leighton-Burwell
	Rahm McDaniel
Y	_ Darryl Pruett
	Veronica Rivera
Y	Yasmine Smith
Y	Michael Von Ohlen
Y	Kelly Blume (Alternate)
	Martha Gonzalez (Alternate)
Y	Denisse Hudock (Alternate)

**APPLICANT: Jim Witliff** 

**OWNER: Alvin Momin** 

ADDRESS: 13414 HARRISGLENN DR

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a "GR" Community Commercial zoning district.

BOARD'S DECISION: April 8, 2019 The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Veronica Rivera second on an 8-3 vote (Board members Darryl Pruett, Eric Goff and Yasmine Smith nay); DENIED DUE TO LACK OF VOTES.

RECONSIDERATION REQUEST: May 13, 2019 Board Member Melissa Hawthorne motion to hear reconsideration request, Board Member Michael Von Ohlen second on an 11-0 vote; GRANTED TO HEAR THE RECONSIDERATION REQUEST. The public hearing was closed by Chair William Burkhardt, Board Member Veronica Rivera motion to Postpone to July 8, 2019, Board Member Ada Corral second on a 8-3 vote (Board members William Burkhardt, Darryl Pruett and Michael Von Ohlen nay); POSTPONED TO JULY 8, 2019. July 8, 2019 POSTPONED TO AUGUST 12, 2019 BY APPLICANT DUE TO SHORTAGE OF A BOARD MEMBER

#### **EXPIRATION DATE:**

### FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the queue lane example listed in Appendix H of the Transportation Criteria Manual is outdated fuel dispensing alignment with 16 pumps and 8 queue lanes.
- 2. (a) The hardship for which the variance is requested is unique to the property in that: the size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated dispenser configuration which also creates health and safety concern egress and ingress in alignment of vehicles (b) The hardship is not general to the area in which the property is located because: this fuel pump alignment design is now used on most new service stations, furthermore there are only a few service stations within any geographic area, design will have only 12 fuel dispensers, City Code allows up to 16 fuel dispensers on a site.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the variance will result in only 12 fuel dispensers on the site, which is only 75% of the

fuel dispensers currently allowed by code.

Elaine Ramirez

**Executive Liaison** 

William Burkhardt

Chairman

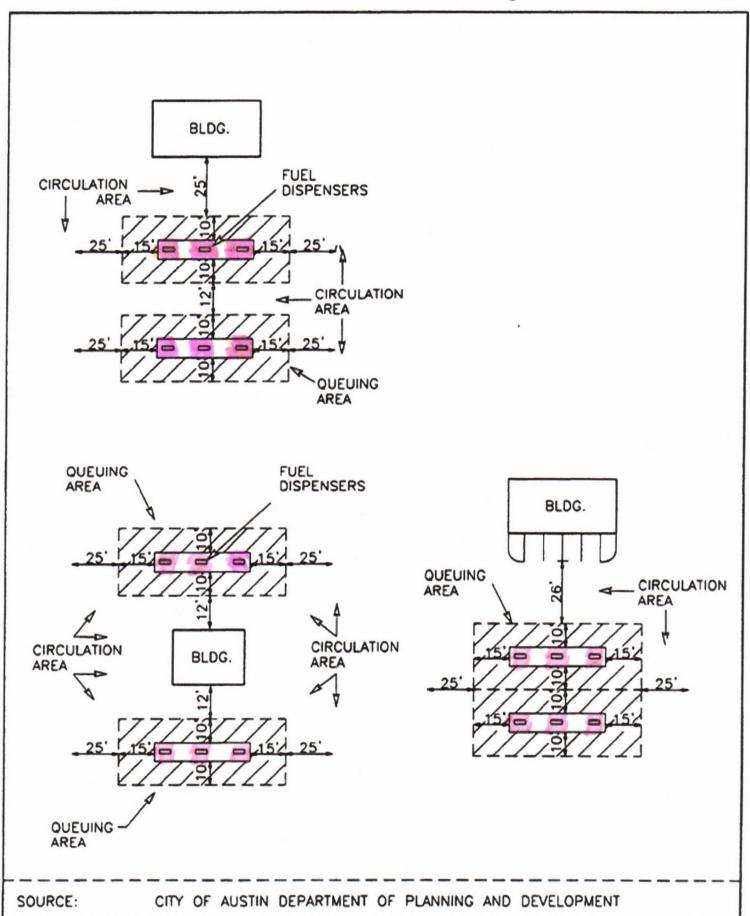
§ 25-6-471 - OFF-STREET PARKING FACILITY REQUIRED.

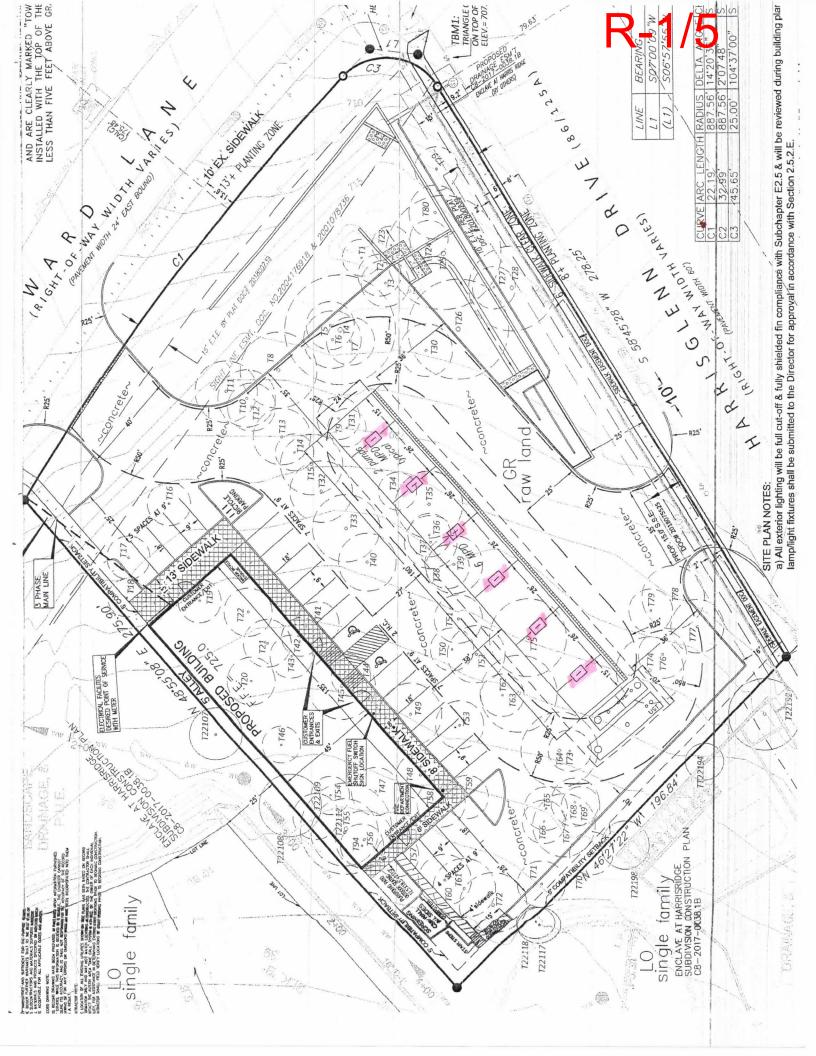
(H) A parking facility, circulation area, or *queue* line constructed or substantially reconstructed after January 1, 1985 must comply with the design standards prescribed in Division 4 (Design And Construction Standards For Parking And Loading Facilities), the Transportation Criteria Manual, and the landscape standards prescribed in <a href="Chapter 25-2">Chapter 25-2</a>, Subchapter C, Article 9 (Landscaping).

**Division 4.** - Design and Construction Standards for Parking and Loading Facilities.

§ 25-6-561 - APPLICABLE REGULATIONS; GENERAL MAINTENANCE.

(A) A parking or loading facility, circulation area, or queue line must comply with the design and construction standards in this section and in the Transportation Criteria Manual.





# CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday May 13, 2019 CASE NUMBER: C15-201	
Y Ada Corral N William Burkhardt N Darryl Pruett Y Eric Goff Y Melissa Hawthorne Y Yasmine Smith Y Don Leighton-Burwell	
Y Rahm McDaniel - Martha Gonzalez (Alternate) Y Veronica Rivera Y Jessica Cohen N Michael Von Ohlen - Kelly Blume (Alternate) - Alternate (Vacant)	
APPLICANT: Jim Witliff	

OWNER: Alvin Momin
ADDRESS: 13414 HARRISGLENN DR

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a "GR" Community Commercial zoning district.

BOARD'S DECISION: April 8, 2019 The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Veronica Rivera second on an 8-3 vote (Board members Darryl Pruett, Eric Goff and Yasmine Smith nay); DENIED DUE TO LACK OF VOTES.

RECONSIDERATION REQUEST: May 13, 2019 Board Member Melissa Hawthorne motion to hear reconsideration request, Board Member Michael Von Ohlen second on an 11-0 vote; GRANTED TO HEAR THE RECONSIDERATION REQUEST. The public hearing was closed by Chair William Burkhardt, Board Member Veronica Rivera motion to Postpone to July 8, 2019, Board Member Ada Corral second on a 8-3 vote (Board members William Burkhardt, Darryl Pruett and Michael Von Ohlen nay); POSTPONED TO JULY 8, 2019.

### **EXPIRATION DATE:**

FINDING:

 The Zoning regulations applicable to the property do not allow for a reasonable use because: the queue lane example listed in Appendix H of the Transportation Criteria Manual is outdated fuel dispensing alignment with 16 pumps and 8 queue lanes.

2. (a) The hardship for which the variance is requested is unique to the property in that: the size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated dispenser configuration which also creates health and safety concern egress and ingress in alignment of vehicles (b) The hardship is not general to the area in which the property is located because: this fuel pump alignment design is now used on most new service stations, furthermore there are only a few service stations within any geographic area, design will have only 12 fuel dispensers, City Code allows up to 16 fuel dispensers on a site.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the variance will result in only 12 fuel dispensers on the site, which is only 75% of the

fuel dispensers currently allowed by code.

Elaine Ramirez

**Executive Liaison** 

William Burkhardi

Chairman

# CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Monday April 08, 2019		CASE NUMI	BER: C15-2019-0016
Υ	Ada Corral		
Y	William Burkhardt		
N	Darryl Pruett		
N	Eric Goff		
Y	Melissa Hawthorne		
N_	Yasmine Smith		
Y	Don Leighton-Burwell		
	Rahm McDaniel OUT		
Y	Martha Gonzalez (Alternate) RM		
Y	Veronica Rivera		
Y	James Valdez		
Y	Michael Von Ohlen		
	Kelly Blume (Alternate) OUT		
The Trans	Alternate (Vacant)		

OWNER: Alvin Momin

**ADDRESS: 13414 HARRISGLENN DR** 

VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a "GR" Community Commercial zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Veronica Rivera second on an 8-3 vote (Board members Darryl Pruett, Eric Goff and Yasmine Smith nay); DENIED DUE TO LACK OF VOTES.

**EXPIRATION DATE: APRIL 8, 2020** 

### FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the queue lane example listed in Appendix H of the Transportation Criteria Manual is outdated fuel dispensing alignment with 16 pumps and 8 queue lanes.
- 2. (a) The hardship for which the variance is requested is unique to the property in that: the size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated dispenser configuration which also creates health and safety concern egress and ingress in alignment of vehicles

(b) The hardship is not general to the area in which the property is located because: this fuel pump alignment design is now used on most new service stations, furthermore there are only a few service stations within any geographic area, design will have only 12 fuel dispensers, City Code allows up to 16 fuel dispensers on a site.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the variance will result in only 12 fuel dispensers on the site, which is only 75% of the fuel dispensers currently allowed by code.

Leane Heldenfels Executive Liaison

William Burkhardt

Chairman

## Land ANSWERS, Inc.

**Development Planning Consultants** 

3606 Winfield Cove Austin, Texas 78704 (512)416-6611 • Fax (512)416-6610

April 18, 2019

William Burkhardt, Chair Austin Board of Adjustment City of Austin P.O. Box 1077 Austin, Texas 78767

Subject: Request for Reconsideration; Case #C15-2019-0016

Dear Chairman Burkhardt:

We are requesting a reconsideration of the decision the Board reached for this case on April 8, 2019. We feel a reconsideration is appropriate, because we are providing new hardhsip evidence.

Thank you for your consideration of this request. I have already paid the City's \$282.88 renotification fee.

Sincerely,

Jim Wittliff



One Texas Center | Phone: 512.978.4000 505 Barton Springs Road, Austin, Texas 78704

## **Board of Adjustment General/Parking Variance Application**

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. If more space is required, please complete Section 6 as needed. All information is required (if applicable).

### For Office Use Only

Case #	ROW #		Tax #		
Section 1: Ap	plicant Statemen	t			
Street Address: 13	3414 Harrisglenn Drive,	Austin Texas 78	3753		
Subdivision Legal D	escription:				
Lot 1, Block L le	ess 1.175 ac Harris Rid	ge Phase 1 Sec	tion IV		
Lot(s): 1		Bloc	k(s): B		
Outlot:		Divis	sion:		
/We Jim Wittliff/La	nd Answers, Inc.		on be	half of myse	elf/ourselves as
authorized agen	t for Index Real Estate	, LLC			affirm that on
Month February	y , Day 14	, Year 2019	, hereby ap	ply for a hea	aring before the
	nent for consideration to				
● Erect ○ At	ttach	○ Remodel	○ Maintain	Other:	
Type of Structure	e: A total of 12 queue l	anes for a servi	ce station.		

Portion of the City of Austin Land Development Code applicant is seeking a variance from:
25-2-814, which limits vehicle queue lanes to a maximum of eight.
Section 2: Variance Findings
The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.
I contend that my entitlement to the requested variance is based on the following findings:
Reasonable Use
The zoning regulations applicable to the property do not allow for a reasonable use because:
The queue lane example listed in Appendix H if the Transportation Criteria Manual (attached)
shows an outdated fuel dispensing alignment with up to 16 pumps and up to 8 queue lanes.
Modern service station design uses the "dive" concept for maximum safety and accessibility.
We are proposing 6 fuel pump islands, with one fuel dispenser on each side, which will require 12 queue lanes.
Hardship  a) The hardship for which the variance is requested is unique to the property in that:
Due to the 50 foot driveway throat length requirement from Howard Lane, and the 40 foot driveway throat length for Harrisglenn Drive, we are unable to utilize a significant portion of the
street frontage of this site for required circulation around the fuel dispensers. Additionally, The
City's outdated fuel dispensing alignment has proven to be less safe for customers and creates
, , , , , , , , , , , , , , , , , , , ,
poorer air quality, due to excessive idling for queueing vehicles.
b) The hardship is not general to the area in which the property is located because:
This fuel pump alignment design is now used on most new service stations. Furthermore, there
are only a few service stations within any geographic area. Our proposed design will have only
12 fuel dispensers. City Code allows up to 16 fuel dispensers on a site, provided the old fuel
pump alignment design is utilized.

### **Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

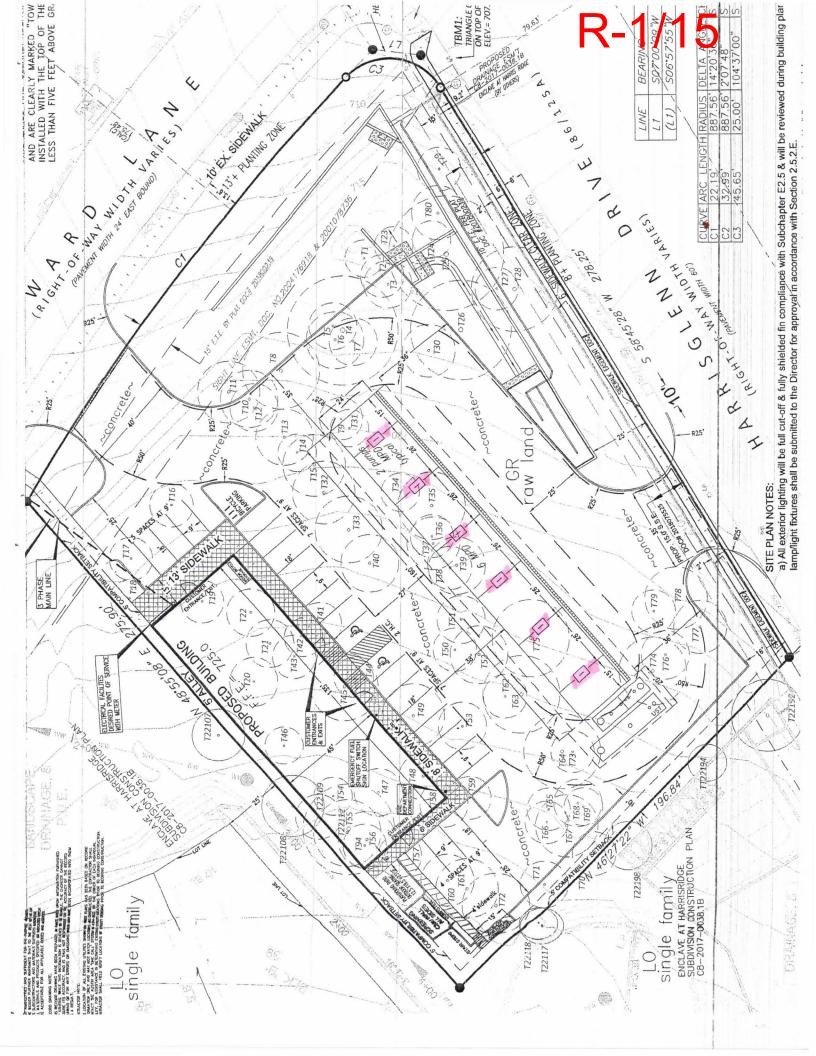
This variance will result in only twelve fuel dispensers on the site, which is only 75% of the fuel

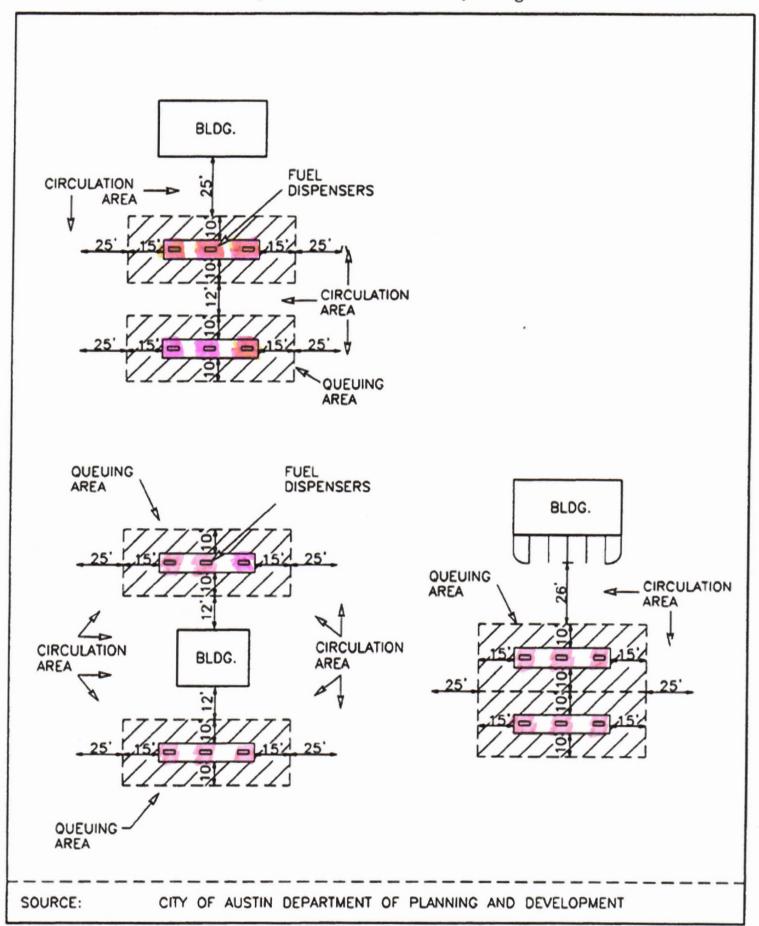
	dispensers currently allowed by Code. The dive alignment has proven to be safer and more efficient, resulting in less necessary manouvering, and less idling time by vehicles in queue					
	anes.					
_						
Reque a varia Apper	ng (additional criteria for parking variances only) est for a parking variance requires the Board to make additional findings. The Board may grant ance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, addix A with respect to the number of off-street parking spaces or loading facilities required if it is findings of fact that the following additional circumstances also apply:					
1.	Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:					
2.	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:					
3.	The granting of this variance will not create a safety hazard or any other condition inconsisten with the objectives of this Ordinance because:					
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:					
-						

## **Section 3: Applicant Certificate**

R-1/14

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief. Applicant Signature: Date: 02/14/2019 Applicant Name (typed or printed): Jim Wittliff Applicant Mailing Address: 3606 Winfield cove City: Austin State: <u>Texas</u> Zip: 78794 Phone (will be public information): (512) 416-6611 Email (optional – will be public information): **Section 4: Owner Certificate** I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief. Owner Signature: Date: 02/14/2019 Owner Name (typed or printed): Index Real Estate, LLC Owner Mailing Address: 1610Ohlen Road State: Texas Zip: 78758 City: Austin Phone (will be public information): Email (optional – will be public information): **Section 5: Agent Information** Agent Name: Jim Wittliff/Land Answers, Inc. Agent Mailing Address: 3606 Winfield Cove State: Texas Zip: 78704 City: Austin Phone (will be public information): Email (optional – will be public information): Section 6: Additional Space (if applicable) Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page). a) Also, our proposed alignment will minimize the possibility that waiting vehicles will queue out into the ROW. Our engineer attempted to reconfigure the property using the City's outdated in-line fuel dispensing configuration, and the property's dimensions do not provide adequate room for this alignment.







April 1, 2019

Jim Witliff 13414 Harrisglenn Dr Austin TX, 78753

Property Description: LOT 1 BLK L LESS 1.175AC HARRIS RIDGE PHS I SEC IV

Re: C15-2019-0016

Dear Jim,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a "GR" Community Commercial zoning district.

Austin Energy does not oppose request provided any proposed and existing improvements are in compliance with AE clearance criteria requirements, The National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners/applicants expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities\_criteria\_manual?nodeId=S1AUENDECR\_1 .10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

### **Eben Kellogg, Property Agent**

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

### **BOA CASE REVIEW SHEET**

<u>CASE:</u> C15-2019-0016 <u>BOA DATE:</u> April 8, 2019

ADDRESS: 13414 Harrisglenn Dr. COUNCIL DISTRICT: 7

**OWNER:** Index Real Estate, LLC **AGENT:** Jim Wittliff

**ZONING:** GR

**AREA:** Lot 1, Block L, less 1.175 ac Harris Ridge Phase 1, Section IV

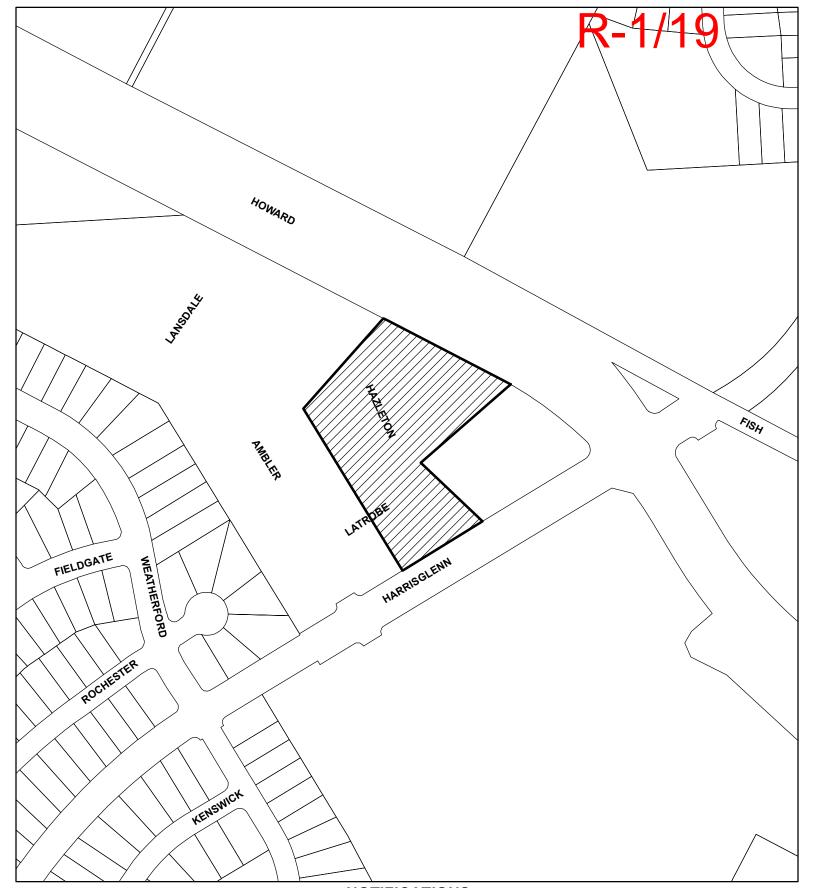
**VARIANCE REQUEST:** 12 que lanes requested, 8 permitted

**SUMMARY:** new service station

**ISSUES:** updated fuel pump design

	ZONING	LAND USES
Site	GR	Vacant
North	SF-4A-CO and I-RR	Vacant
South	MF-2-CO	Vacant
East	GR-CO-2	Vacant
West	SF-4A-CO	Vacant

<u>NEIGHBORHOOD ORGANIZATIONS:</u> Bike Austin; Friends of Austin Neighborhoods; Harris Ridge Owner's Association; Harris Ridge Phase IV; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; North Growth Corridor Alliance; Pflugerville Independent School District; SEL Texas; Sierra Club, Austin Regional Group; TechRidge Neighbors; Yager Planning Area









ZONING BOUNDARY

### **NOTIFICATIONS**

CASE#: C15-2019-0016 LOCATION: 13414 Harrisglenn Drive

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.







For Office Use Only

Erect

## CITY OF AUSTIN

R-1/20

Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. If more space is required, please complete Section 6 as needed. All information is required (if applicable).

# Section 1: Applicant Statement Street Address: 13414 Harrisglenn Drive, Austin Texas 78753 Subdivision Legal Description: Lot 1, Block L less 1.175 ac Harris Ridge Phase 1 Section IV Lot(s): 1 Outlot: Division: Zoning District: GR I/We Jim Wittliff/Land Answers, Inc. authorized agent for INDEX REAL ESTATE, LLC Month February Day 14 Year 2019 Answers apply for a hearing before the

Remodel

○ Maintain ○ Other:

○ Attach ○ Complete

Board of Adjustment for consideration to (select appropriate option below):

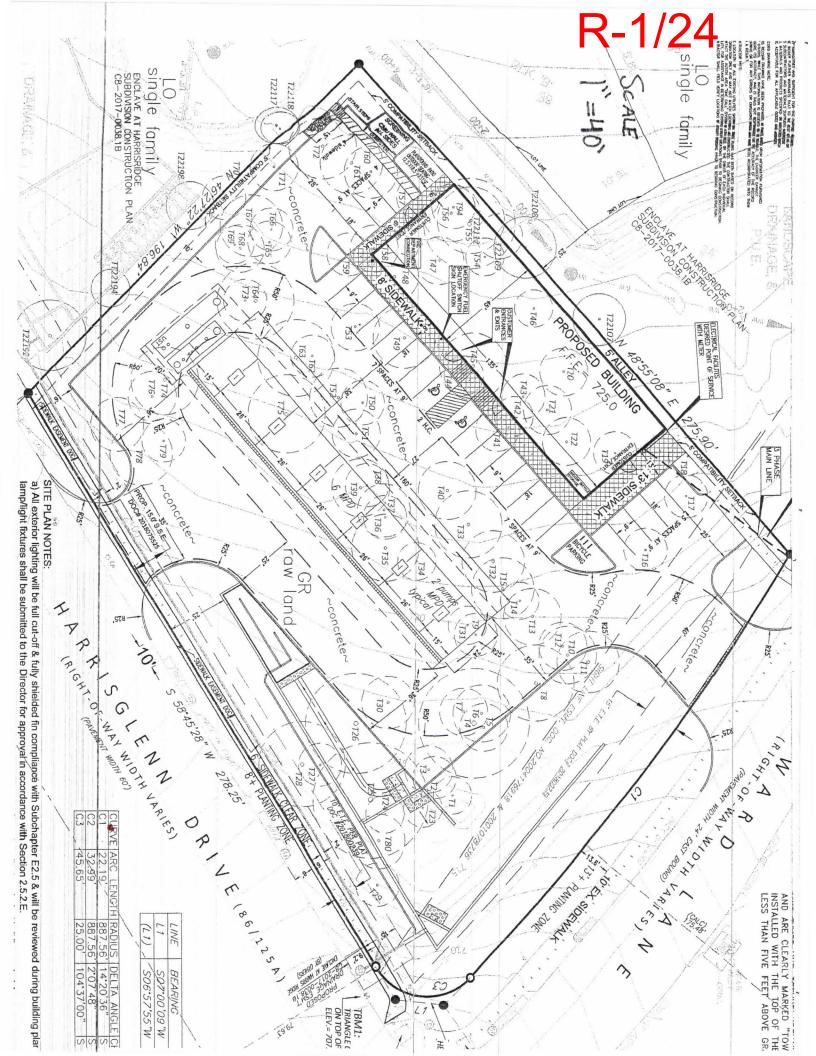
Type of Structure: A total of 12 queue lanes for a service station.

Bection 2: Variance Findings  Be Board must determine the existence of, sufficiency of, and weight of evidence supporting the dings described below. Therefore, you must complete each of the applicable Findings Statements part of your application. Failure to do so may result in your application being rejected as complete. Please attach any additional supporting documents.  NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.  Interpretation of that my entitlement to the requested variance is based on the following findings:  Beasonable Use  Bea		ch limits vehicle queue lanes to a maximum of eight.
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pump alignment design is utilized.	6 fuel disper	sers. City Code allows up to 16 fuel dispensers on a site, provided the old fuel
	pump alignn	ent design is utilized.

The variadjacer	haracter riance will not alter the character of the area adjacent to the property, will not impair the use of conforming property, and will not impair the purpose of the regulations of the zoning district the property is located because:
dis	is variance will result in only six fuel dispensers on the site, which is only 37.5% of the fuel pensers currently allowed by Code. The dive alignment has proven to be safer and more icient, resulting in less idling time by vehicles in queue lanes.
Reques a variar Append makes	(additional criteria for parking variances only) If for a parking variance requires the Board to make additional findings. The Board may grant note to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Ix A with respect to the number of off-street parking spaces or loading facilities required if it findings of fact that the following additional circumstances also apply:  Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:
2.	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3.	The granting of this variance will not create a safety hazard or any other condition inconsisten with the objectives of this Ordinance because:
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:

## Section 3: Applicant Certificate

I affirm that my statements contained in the complet my knowledge and belief.	e application are	true and correc	ct to the	best of
Applicant Signature:	100	Date:	02/14/2	2019
Applicant Name (typed or printed): Jim Wittliff	71)	Television confusion in the specific providing in agree		
Applicant Mailing Address: 3606 Winfield cove			and the second of the second s	CONTRACTOR
City: Austin	State: Tex	(as	Zip:	78794
Phone (will be public information): (512) 416-6611				
Email (optional – will be public information):				
Section 4: Owner Certificate				
I affirm that my statements contained in the complet my knowledge and belief.	e application are			
Owner Signature: //		Date:	02/14/2	2019
Owner Name (typed or printed): INDEX REAL ESTAT	E LLC			
Owner Maining Address.	01-1	ati i inter esperimente, e parte escate formate en per comuna de palar de erroliji accessi disebejon iste e		70750
City: Austin	State: <u>Te</u>	(as	Zip:	78758
Phone (will be public information):	-			
Email (optional – will be public information):				
Section 5: Agent Information				
Agent Name: Jim Wittliff/Land Answers, Inc.				
Agent Mailing Address: 3606 Winfield Cove				
City: Austin	State: Tex	as	Zip:	78704
Phone (will be public information):				
Email (optional – will be public information):				and a supplemental and a supplem
Section 6: Additional Space (if applic	able)			
Please use the space below to provide additional intereferenced to the proper item, include the Section at				

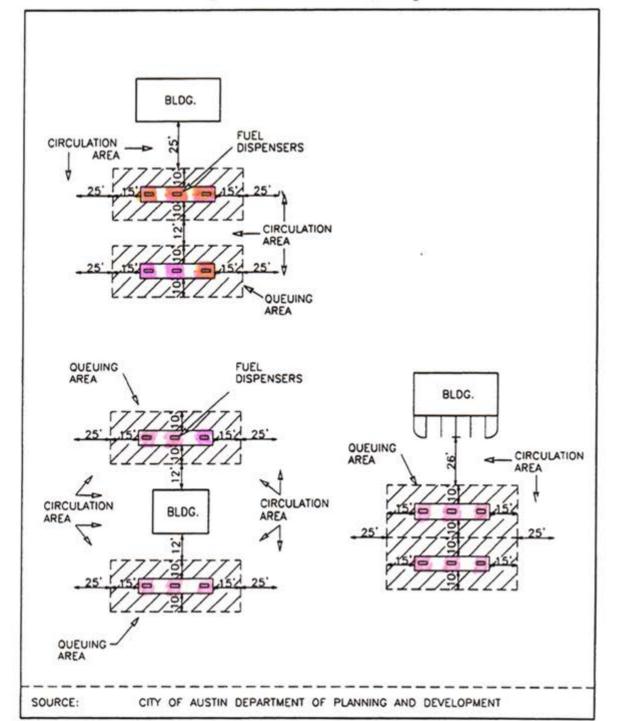


# 13414 Harrisglenn Drive

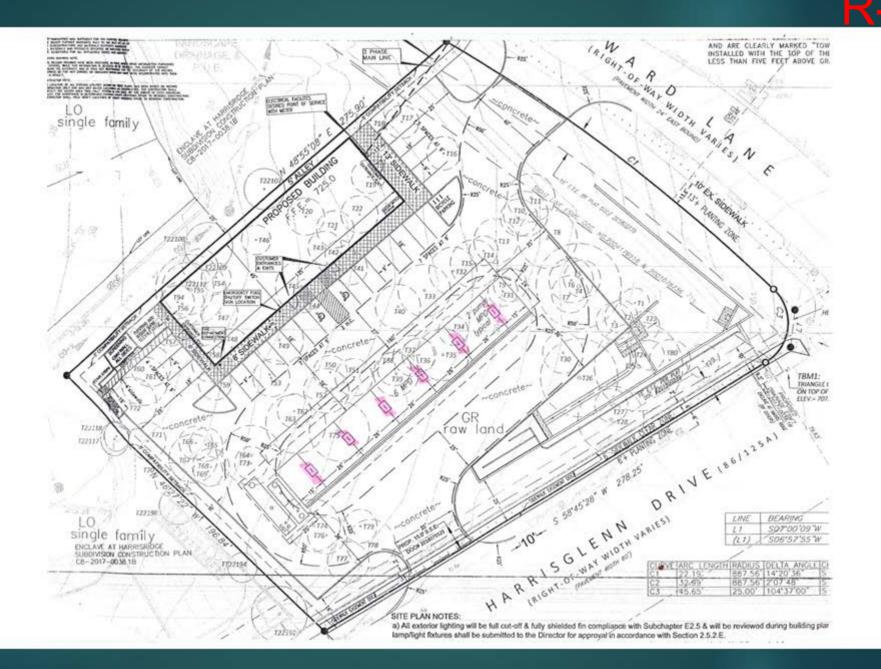
C15-2019-0016

## § 25-2-814 - SERVICE STATION USE.

- A service station use:
- (1) must be screened from the street by a building or a landscape buffer that includes shade trees;
- (2) may not have more than 16 fuel dispensers; and
- (3) may not have more than eight vehicle queue lanes.
- Source: Ord. 20060831-068; Ord. 20110804-008.



# Figure 9.8 Service Station Queuing





# IH 35 and Ben White 12 pumps; 12 queue lanes



# Brodie and Davis 10 pumps; 10 queue lanes





# 51<sup>st</sup> and Berkman 20 pumps; 10 queue lanes





# Riverside and Wickersham 10 pumps; 10 queue lanes





# 1626 and IH 35 16 pumps; 16 queue lanes



## Ben White and Congress 12 pumps; 12 queue lanes



## Rutherford East of IH 35 12 pumps; 12 queue lanes



# Southpark Meadows 12 pumps; 12 queue lanes

